

KPMG found that both the design of the methods, processes and systems, and the actual handling of orders, was non-discriminatory.²⁴⁹ VZ-RI asserted that the record in Rhode Island’s 271 proceeding shows that KPMG has now completed a thorough review of the provisioning process in Rhode Island, involving both “sameness” and transactional testing, and concluded that the VZ-NE’s provisioning systems and processes in Massachusetts and Rhode Island are the same.²⁵⁰ VZ-RI noted that while the actual employees performing the provisioning work in Rhode Island may be different than the employees in Massachusetts, the employees are part of the same organization, operate under common methods and procedures, and receive the same training.²⁵¹ Further, VZ-RI noted that its provisioning OSS systems also passed every transactional test. Accordingly, VZ-RI argued that just as the FCC observed previously in Massachusetts, KPMG observed in Rhode Island “that Bell Atlantic [Verizon] satisfied all test criteria for the provisioning function.”²⁵²

G. Maintenance and Repair OSS

VZ-RI stated that the FCC concluded that Verizon in New York and Massachusetts had demonstrated that it “provides non-discriminatory access to maintenance and repair OSS functions.”²⁵³

1. Systems and Interfaces

VZ-RI indicated that the FCC determined first that Verizon in New York and Massachusetts “offers maintenance and repair interfaces and systems that enable a requesting carrier to access all the same functions that are available to Bell Atlantic’s

²⁴⁹ Verizon’s Post-Hearing Brief, p. 148 (citations omitted).

²⁵⁰ *Id.* at 148-49, *citing* KPMG RI Report, p. 79-93.

²⁵¹ Verizon’s Post-Hearing Brief, p. 149.

²⁵² Verizon’s Post-Hearing Brief, p. 149 (citations omitted).

[Verizon's] retail representatives.”²⁵⁴ VZ-RI maintained that as in New York and Massachusetts, VZ-RI provides CLECs with two interfaces for obtaining access to VZ-RI's maintenance and repair OSS.²⁵⁵

According to VZ-RI, VZ-NE uses the same systems to provide maintenance and repair for retail customers and CLECs in Rhode Island as it does in Massachusetts.²⁵⁶ VZ-RI explained that these are the same OSS that the FCC reviewed and approved in operation in New York and Massachusetts.²⁵⁷

2. Volumes and Performance

VZ-RI noted that the FCC also addressed the performance of Verizon's maintenance and repair OSS when evaluating Verizon's 271 Applications in New York and Massachusetts. VZ-RI explained that the FCC relied upon the C2C measurement data for RETAS response times in concluding that in “Bell Atlantic's [Verizon's] maintenance and repair interface and systems process trouble inquiries from competing carriers in substantially the same time and manner as Bell Atlantic processes inquiries concerning its own retail customers.”²⁵⁸ VZ-RI maintained that although the numerous measurements taken under the C2C approach were not uniformly within the applicable standards in New York or Massachusetts, the FCC determined that the differences were small and were not even alleged to impair CLECs access to maintenance and repair functions. VZ-RI asserted that the comparable C2C RETAS results for Verizon RI

²⁵³ *Id.*, quoting *New York Order*, ¶ 211; *Massachusetts Order*, ¶ 95.

²⁵⁴ Verizon's Post-Hearing Brief, p. 149-50, citing *New York Order*, ¶ 213; *Massachusetts Order*, ¶ 95.

²⁵⁵ Verizon's Post-Hearing Brief, p. 150. According to VZ-RI, the most commonly used is the Web GUI, which provides access to a platform called RETAS. Over the past three months, nineteen CLECs were recognized by the Web GUI as submitting trouble administration transactions in Rhode Island. VZ-RI stated that like New York and Massachusetts, Verizon also provides an application-to-application interface in Rhode Island, Electronic Bonding, which is currently operating with one CLEC. *Id.*

²⁵⁶ Verizon's Post-Hearing Brief, p. 150, citing KPMG RI Report, pp. 111-133, 139-144.

²⁵⁷ Verizon's Post-Hearing Brief, p. 150.

consistently demonstrate response times results equal to, or better than the C2C established standard.²⁵⁹ Thus, VZ-RI concluded that the results show in Rhode Island – as they did in New York and Massachusetts – “that competing carriers are able to process maintenance and repair requests in substantially the same time as Bell Atlantic’s retail operations.”²⁶⁰

Finally, VZ-RI indicated that the FCC concluded that commercial usage and KPMG’s testing showed that Verizon’s maintenance and repair interface is capable of handling reasonably foreseeable demand levels.²⁶¹ VZ-RI reported that the volume of RETAS maintenance transactions has grown from about 40,000 transactions a month in January 2000 to an average of over 112,000 transactions per month in the most recent three months (June – August 2001).²⁶² VZ-RI asserted that the performance of VZ-NE’s maintenance and repair OSS shows that it can and does successfully meet increasing volumes of CLEC activity.²⁶³

VZ-RI stated that in Massachusetts, KPMG verified VZ-NE’s ability to provide non-discriminatory maintenance and repair services to CLECs. KPMG evaluated VZ-NE’s systems, performance, processes, documentation, network surveillance, work center operations and work coordination for the delivery of CLEC maintenance and repair services and found that all were satisfactory. VZ-RI asserted that because the maintenance and repair systems and processes in Massachusetts and Rhode Island are the

²⁵⁸ Id. at 151, quoting New York Order, ¶ 217; Massachusetts Order, ¶ 96.

²⁵⁹ Verizon’s Post-Hearing Brief, p. 151.

²⁶⁰ Id., quoting New York Order, ¶ 219; Massachusetts Order, ¶ 96. VZ-RI noted that as in New York and Massachusetts, although the Web GUI and EBI are both available for reporting unbundled loop troubles, many CLECs submit UNE loop troubles by calling the Regional CLEC Maintenance Center (“RCMC”) and having the RCMC staff enter the ticket on their behalf. The RCMC is staffed around the clock and has sufficient resources to handle all repair calls. Verizon’s Post-Hearing Brief, p. 151 (citations omitted).

²⁶¹ Verizon’s Post-Hearing Brief, p. 151, citing New York Order, ¶ 214; Massachusetts Order, ¶¶ 95-96.

²⁶² Verizon’s Post-Hearing Brief, pp. 151-52.

same, the Massachusetts results should apply equally to Rhode Island.²⁶⁴

H. Billing OSS

VZ-RI stated that the FCC found that Verizon's OSS provides non-discriminatory access to its billing functions in New York and Massachusetts.²⁶⁵

1. Systems and Interfaces

VZ-RI represented that the billing systems used to accumulate and provide CLECs in Rhode Island with usage billing information, including access records, are the same billing systems VZ-RI uses for its retail customers and for interexchange carriers. According to VZ-RI, new functionality was added to the existing systems to accommodate the billing of new usage rate elements and new non-recurring and recurring charges to CLECs, and to produce the wholesale bill. According to VZ-RI, the wholesale billing systems utilized by VZ-RI are the same systems utilized in Massachusetts and approved by the FCC.²⁶⁶

VZ-RI maintained that as in New York and Massachusetts, CLECs in Rhode Island use usage information, together with information in their own customer records, to bill their end users. In addition, VZ-RI indicated that it sends wholesale bills to CLECs for the products and services the CLECs purchase from Verizon. Wholesale bills are sent to CLECs over Connect:Direct, on paper, on tape, or on CD-ROM at the CLEC's choice of format and media. Resellers receive up to two monthly bills, one for each of the two

²⁶³ Id. at 152.

²⁶⁴ Id., citing KPMG RI Report, pp. 111, 247-380 (documenting the similarities of the systems).

²⁶⁵ Verizon's Post-Hearing Brief, p. 152, citing New York Order, ¶ 226; Massachusetts Order, ¶ 97. VZ-RI also noted that the FCC observed that Verizon provides competing carriers with billing information through Daily Usage Files ("DUFs") that itemize daily usage records for competing carrier customers, although carrier bills serve as a monthly invoice to incorporate charges to the carrier for all Bell Atlantic products and services provided. VZ-RI asserted that it does the same. Verizon's Post-Hearing Brief, p. 152, citing KPMG RI Report, pp. 176-85.

²⁶⁶ Verizon's Post-Hearing Brief, pp. 152-53 (citations omitted).

summary billing periods in the month. Charges for ancillary services are billed separately to the Resellers' administrative accounts in the first billing period of each month. Bills for resellers are generated by the CRIS system. Billing for most UNEs is handled through the CABS system. Recurring, non-recurring and usage charges for unbundled platform services, interoffice transmission facilities, collocation, DS-1 loops (and higher), and SS7 are billed in CABS. Charges for UNE 2-wire and 4-wire loops are generated by CRIS. UNE wholesale bills are sent to CLECs once a month.²⁶⁷

According to VZ-RI, it reported that it employs its Billing OSS to provide 77.5 million EMI billing records for CLECs each month in New England, and renders 2,300 bills per month in New England (up 62% from calendar year 2000). VZ-RI represented that these Billing OSS are the same as those in use in Massachusetts. VZ-RI further noted that KPMG has verified the sameness of these OSS.²⁶⁸

2. Billing Performance

VZ-RI asserted that in its review in New York and Massachusetts, the FCC pointed to the C2C reports provided by Verizon and to the KPMG reviews in the respective states as evidence that Verizon provides non-discriminatory access to billing. VZ-RI maintained that the FCC affirmed that the C2C standards adopted in New York and used in Massachusetts provided an appropriate measure of Verizon's ability to provide CLECs with DUFs and carrier bills in substantially the same time and manner

²⁶⁷ *Id.* at 153-54. VZ-RI indicated that it provides the CLECs' wholesale bills in either Verizon end user format or the Bill Data Tape ("BDT") format defined by Telecordia's Technical Review Group as specified in the Billing Output Specification ("BOS"). Unlike Pennsylvania, where CLECs took issue (unsuccessfully) with the new introduction of BOS BDT formatted bills, the BOS BDT in Rhode Island – as in New York and Massachusetts – is a long-established and, according to VZ-RI, a non-controversial format for Verizon-North billing. Indeed, VZ-RI pointed out that a review of its records showed that there were no CLEC complaints about the BOS BDT format in Rhode Island in the year 2001. *Id.*

²⁶⁸ Verizon's Post-Hearing Brief, p. 154, citing KPMG RI Report, pp 145-95.

that Verizon provides such information to itself.²⁶⁹

VZ-RI asserted that its C2C results show that DUF files in Rhode Island are consistently provided to CLECs in a timely fashion every month. KPMG verified the same result. VZ-RI emphasized that the C2C measurements also show that carrier bills have been generally rendered on-time over the eight month period from January to August 2001. VZ-RI explained that the only exceptions to this excellent record were with respect to the carrier bills rendered in April and May 2001 which were caused by conditions that have now been corrected. As evidence of VZ-RI's assertion, it noted that the C2C results for June through August 2001 show that these bills are again being sent on-time.²⁷⁰

VZ-RI indicated that it also reports the percent of total dollars billed that were adjusted for both wholesale and retail accounts. VZ-RI maintained that the C2C-measured % Billing Adjustments – Dollars Adjusted (BI-3-01) results were negligible each month from January through April 2001. VZ-RI explained that the May results were higher due to a credit to a single CLEC, as a result of a settlement of a civil law suit that was not the result of a billing claim or adjustment and does not reflect on Billing Accuracy. Eliminating this credit in the metric calculation results in a billing adjustment rate of only 0.39%. Since that time, VZ-RI maintained that the wholesale adjustment amounts were again negligible for June and August, although higher in July to reflect UNE-loop rate adjustments.²⁷¹

²⁶⁹ Verizon's Post-Hearing Brief, pp. 154-55, citing New York Order, ¶ 227; Massachusetts Order, ¶ 97.

²⁷⁰ Verizon's Post-Hearing Brief, p. 155, citing KPMG RI Report, pp. 184-75, VZ-RI C2C Performance Reports for the months of January through August 2001.

²⁷¹ Verizon's Post-Hearing Brief, p. 155 (citations omitted).

3. Line Loss Reports

VZ-RI noted that it provides a daily Line Loss Report to CLECs in New England and to the Verizon retail operations identifying end user lines that have migrated from one local service provider to another.²⁷² VZ-RI indicated that it has worked with CLECs both individually and through the Change Management Process discussed below to ensure that the reports include information requested by the CLECs and to improve the accuracy of the reports. According to VZ-RI, the accuracy of these reports is very high – the percent of working telephone numbers reported by the CLECs as either missing or incorrect has averaged less than 0.5% for January through August 2001.²⁷³

VZ-RI noted that in its Rhode Island evaluation, KPMG conducted stand-alone testing of the Line Loss Report. First, KPMG reviewed its own Line Loss Report for accuracy. It found that 100% of the 54 Working Telephone Numbers (“WTNs”) it expected to see on the Line Loss Report were in fact on the report. Second, KPMG’s evaluated live Rhode Island production orders and found that 97% of WTNs that it expected to find on the Line Loss Report were found on the report. VZ-RI maintained that KPMG concluded that Verizon passed this test criterion.²⁷⁴

²⁷² Id. at 160. VZ-RI’s Line Loss Reports provide the information specified by the OBF standards – the working telephone number and the date the end user converted to the new local service provider – as well as additional information identifying the customer type, billing telephone number, and an indicator for the type of old local service provider and the type of new local service provider. VZ-RI indicated that it makes Line Loss Reports available on an FTP server where they can be downloaded by the CLECs. VZ-RI also provides line loss reports to CLECs that request them over Connect: Direct and EDI. Id.

²⁷³ Verizon’s Post-Hearing Brief, p. 161.

²⁷⁴ Id. VZ-RI stated that it went further and investigated the only two WTNs that were missing from the Line Loss Reports. The first WTN was identified by KPMG as missing from the Line Loss Report during the conduct of its test. VZ-RI’s investigation revealed that the telephone number in question should have appeared on the report, but did not because the order was processed as a change only in Pre-subscribed Interexchange Carrier (“PIC”). Verizon represented that it corrected this problem in the January 26, 2001 release of change request # 1227. The second WTN was not identified by KPMG until after the test was completed. VZ-RI’s investigation found that this WTN was in fact reported on the December 6, 2000, Line Loss Report, but that the Line Loss file provided to KPMG was inadvertently truncated and did not include the record for that service order. VZ-RI maintained that this problem will not occur in a production mode

I. CLEC Support

VZ-RI stated that it has designed and implemented an extensive array of support services for CLECs to use in entering and participating in the local telecommunications market throughout its service areas including Rhode Island. VZ-RI maintained that these are the same support mechanisms favorably referenced by the FCC in approving the Section 271 applications of Verizon in New York and Massachusetts.²⁷⁵

VZ-RI noted that during its independent third-party test in Massachusetts, KPMG evaluated Verizon's processes that support establishing and maintaining relationships between CLECs and Verizon in Massachusetts in its Relationship Management and Infrastructure ("RMI") domain.²⁷⁶ According to VZ-RI, KPMG was satisfied with VZ-NE's performance in Massachusetts for every test point. VZ-RI asserted that the Verizon processes that KPMG tested in Massachusetts are identical to the processes used in Rhode Island and the results are equally applicable to Rhode Island.²⁷⁷

1. Change Management Process

VZ-RI stated that the FCC defines the change management process as "the methods and procedures that the BOC employs to communicate with competing carriers regarding the performance of and changes in the BOC's OSS system."²⁷⁸ According to VZ-RI, Verizon employs one common Change Management process throughout the

since CLECs obtain their reports via EDI, Connect:Direct or from VZ-RI's FTP server, not by the file transfer methodology that was used with KPMG during the test. Id.

²⁷⁵ Verizon's Post-Hearing Brief, p. 163, citing New York Order, ¶¶ 90, 101-127; Massachusetts Order, ¶¶ 102-116.

²⁷⁶ The KPMG test for Massachusetts included: Change Management; Interface Development; Account Establishment and Management; Network Design, Collocation, and Interconnection Planning; Help Desks; CLEC Training; and Forecasting. KPMG MA Report, p. 13. The RMI domain involved ten different tests, and KPMG evaluated 114 different test points.

²⁷⁷ Verizon's Post-Hearing Brief, p. 163 (citations omitted).

²⁷⁸ Id., citing New York Order, ¶ 103.

former Bell Atlantic region.²⁷⁹ VZ-RI asserted that the FCC has repeatedly found that Verizon has demonstrated that it “provides the documentation and support necessary to give competing carriers non-discriminatory access to its OSS.”²⁸⁰ VZ-RI stated that the FCC has also consistently found that Verizon has an adequate change management process in place and has adhered to that process over time. VZ-RI concluded that, for the Verizon OSS in effect in Rhode Island, the FCC has already concluded that Verizon provides access to its OSS in a manner that allows an efficient competitor a meaningful opportunity to compete. VZ-RI maintained that no party has challenged this conclusion.²⁸¹

VZ-RI pointed out that the FCC has previously noted that Verizon follows a “detailed process of managing changes” which divides all changes into five different categories and provides specific timelines and intervals for each category.²⁸² According to VZ-RI, this process includes timeframes for the distribution of draft specifications on business rules, receipt of CLEC comments on the documentation, and the distribution of final documentation.²⁸³

VZ-RI noted that the FCC has found that the Verizon OSS change management process documentation in New York and Massachusetts is clearly organized and readily accessible to CLECs.²⁸⁴ VZ-RI maintained that CLECs can readily access a copy of the OSS Interface Change Management Process documentation on Verizon’s web site. VZ-RI pointed out that in New York and Massachusetts, the FCC concluded that Verizon

²⁷⁹ Verizon’s Post-Hearing Brief, p. 163, citing KPMG RI Report, pp. 199-204.

²⁸⁰ Verizon’s Post-Hearing Brief, p. 163-64, citing New York Order, ¶ 101; Massachusetts Order, ¶ 112.

²⁸¹ Verizon’s Post-Hearing Brief, p. 164.

²⁸² Id.

²⁸³ Id.

²⁸⁴ Id., citing New York Order, ¶ 107; Massachusetts Order, ¶¶ 112-13.

“updates and maintains a database that tracks the progress of each specified change, reports changes systematically using change request numbers and uses these same numbers in communications with competing carriers to identify specific changes.”²⁸⁵ VZ-RI asserted that the same process applies to Verizon’s OSS in Rhode Island.²⁸⁶

VZ-RI noted that the FCC also observed that in New York and Massachusetts, Verizon has established a forum where CLEC and Verizon representatives meet to discuss upcoming system and interface changes, as well as the change management procedures themselves.²⁸⁷ According to VZ-RI, through this forum, Verizon receives CLEC input and makes appropriate changes to its implementation plans in response to the CLEC input. VZ-RI asserted that this remains true for the Verizon Change Management process applicable to the OSS used in Rhode Island.²⁸⁸

2. OSS Change Management Performance

VZ-RI indicated that the FCC has stated that an adequate change management process to which the BOC adheres over time is also part of its “obligation to provide competing carriers with the specifications necessary to instruct competing carriers on how to modify or design their systems in a manner that will enable them to communicate with the BOC’s legacy systems and any interfaces utilized by the BOC for such access.”²⁸⁹ VZ-RI also pointed out that the FCC has found that in New York and Massachusetts Verizon “provides competing carriers with change management notification and documentation for upcoming change releases in a manner sufficiently

²⁸⁵ Verizon’s Post-Hearing Brief, p. 164, citing New York Order, ¶ 107; Massachusetts Order, ¶¶ 112-13.

²⁸⁶ Verizon’s Post-Hearing Brief, p. 164.

²⁸⁷ Id., citing New York Order, ¶ 104; Massachusetts Order, ¶ 337.

²⁸⁸ Verizon’s Post-Hearing Brief, pp. 164-65.

²⁸⁹ Verizon’s Post-Hearing Brief, p. 165 (citations omitted).

timely to allow an efficient competitor a meaningful opportunity to compete.”²⁹⁰ VZ-RI noted that the FCC also commended Verizon and the New York PSC for developing measurements applicable to the administration of the change management process.²⁹¹

VZ-RI indicated that it reports the same measurements for the OSS Change Management process as Verizon reports in New York and Massachusetts. According to VZ-RI, these measurements consistently demonstrate Verizon’s adherence to the change management process, with performance above the levels earlier approved by the FCC.²⁹²

3. Testing Environment

VZ-RI stated that the FCC has also concluded that the Verizon “QA [Quality Assurance] testing environment provides competing carriers with a stable environment and an adequate opportunity to test Bell Atlantic’s [Verizon’s] OSS changes prior to implementation.” VZ-RI emphasized that the FCC found that the testing environment “adequately mirrors the production environment” and “offers the extended testing periods the competing carriers need for new entrant certification and new release testing.”²⁹³ VZ-RI maintained that the same QA testing environment used by VZ-MA is also used for Rhode Island.²⁹⁴

VZ-RI noted that its current test environment for CLECs has several key aspects.²⁹⁵ First, VZ-RI noted that Verizon has established a software-testing environment that mirrors the production software environment. Second, VZ-RI indicated that Verizon has established a formal set of test transactions – the “test deck” – which is a cross-section of the most frequent types of pre-order and order transactions. Third, VZ-

²⁹⁰ Id., citing New York Order, ¶¶ 113, 118.

²⁹¹ Verizon’s Post-Hearing Brief, p. 165, citing New York Order, ¶ 113; Massachusetts Order, ¶ 105.

²⁹² Verizon’s Post-Hearing Brief, pp. 165-66.

²⁹³ Id. at 166, citing New York Order, ¶ 119, Massachusetts Order, ¶¶ 109-111.

RI pointed out that the CLEC testing procedures provide for specified times when the new software is introduced to the CLEC test environment and when subsequent changes or fixes are made in the test environment to ensure a stable environment for CLEC testing before a new release is implemented in production.²⁹⁶

VZ-RI explained that KPMG conducted an extensive test of the CLEC Test Environment and the test procedures during its evaluation of Verizon's OSS in Massachusetts. Acting as a CLEC, KPMG used the test environment to test both LSOG 2 and LSOG 4 during both the February and June 2000 releases. VZ-RI noted that KPMG found that VZ-MA satisfied all test criteria. VZ-RI asserted that since the same test environment and processes are utilized in both Massachusetts and Rhode Island, the Massachusetts results apply equally to Rhode Island.²⁹⁷

VZ-RI pointed out that no CLEC has raised any challenge to VZ-NE's continued satisfaction of its responsibilities for the administration of its FCC-approved OSS Change Management process.

J. Training and Assistance for CLECs

VZ-RI explained that as with Change Management, the FCC has already repeatedly concluded that in New York and Massachusetts, Verizon "demonstrates that it provides the technical assistance and help desk support necessary to give competing carriers non-discriminatory access to its OSS."²⁹⁸ VZ-RI represented that the FCC has specifically referred to the numerous means by which Verizon in New York and Massachusetts extends assistance to CLECs. VZ-RI maintained that these were means

²⁹⁴ Verizon's Post-Hearing Brief, p. 166.

²⁹⁵ Id.

²⁹⁶ Id. at 166-68.

²⁹⁷ Id. at 168, citing KPMG RI Report, p. 207-213.

that caused the FCC to find that Verizon “provides efficient competitors a meaningful opportunity to compete by enabling them to understand how to implement and use all of the OSS functions available to them.”²⁹⁹

VZ-RI asserted that the same CLEC support is provided with respect to Verizon’s OSS in Rhode Island.³⁰⁰ VZ-RI pointed out that no CLEC has challenged VZ-RI’s compliance with the Act in this area.

1. Handbooks and Documentation

First, the FCC noted that Verizon produces separate three volume handbooks for resellers and purchasers of UNEs, both of which are available on CD-ROM with word search capability. Second, the FCC has observed that documentation is updated for each release and is also made available on Verizon’s web site: “[t]hus, competing carriers have access to complete, up-to-date business rules and ordering codes.”³⁰¹ VZ-RI concluded that KPMG and HPC successfully used the same Verizon documentation made available to CLECs during both the Massachusetts and Rhode Island OSS tests.³⁰²

2. Training/Reference Guides

VZ-RI stated that the FCC also gave weight to the fact that that Verizon conducts regular training courses for competing carriers.³⁰³ VZ-RI represented that these efforts have continued through 2001.

²⁹⁸ Verizon’s Post-Hearing Brief, p. 169, quoting New York Order, ¶ 127.

²⁹⁹ Verizon’s Post-Hearing Brief, p. 169 (citations omitted).

³⁰⁰ Id., citing KPMG RI Report, pp. 223-27.

³⁰¹ Verizon’s Post-Hearing Brief, pp. 169-71, citing New York Order, ¶ 127, Massachusetts Order, ¶ 114.

³⁰² Verizon’s Post-Hearing Brief, p. 171.

³⁰³ Id., citing New York Order, ¶ 127, Massachusetts Order, ¶ 114. In 2000, VZ-NE provided training to over 1,000 CLEC students. According to VZ-RI, through August of 2001, CLECs have sent more than 336 representatives to Verizon training in 42 classes. Verizon’s Post-Hearing Brief, p. 171.

3. Help Desk Support

Finally, VZ-RI pointed out that the FCC noted that the Verizon systems support help desk (then the “BASS Help Desk,” now the Wholesale Customer Care Center or “WCCC”) provides a single point of contact for CLECs to report system outages and software problems and is a means to ensure that problems are resolved as quickly as possible.³⁰⁴ VZ-RI stated that the FCC favorably noted that Verizon has put in place various processes to evaluate the performance of its help desk agents and to revise, as necessary, the tools available to them for analyzing information and resolving problems. Moreover, VZ-RI noted, the FCC indicated that Verizon made positive changes to publish on its web site a comprehensive and descriptive list of the different support features available to competing carriers, including the time of day these support functions are available, in response to earlier KPMG reported concerns.³⁰⁵

VZ-RI reported that it provides the same help desk that the FCC found beneficial to serve CLECs and Resellers operating in Rhode Island as it provides throughout the former Bell Atlantic service areas, including Massachusetts and New York. From January through August 2001, Verizon handled an average of over 3,000 calls each month at the WCCC.³⁰⁶ VZ-RI explained that this call volume includes general inquiries, inquiries or status on previously opened tickets, as well as new inquiries. About half of these resulted in the opening of a trouble ticket to resolve a new problem or inquiry. According to VZ-RI, it resolves these trouble tickets in a timely manner, resolving approximately 60

³⁰⁴ Verizon’s Post-Hearing Brief, p. 172, citing New York Order, ¶ 127, Massachusetts Order, ¶ 114.

³⁰⁵ Verizon’s Post-Hearing Brief, pp. 172-73 (citations omitted).

³⁰⁶ Id. at 173. The WCCC was established to provide a single point of contact for all CLEC questions concerning status notifiers (the “PON Exception Process” described below), reports of systems issues (such as system outages, passwords, software application problems, and user questions), to provide timely notification to the CLEC of system events where necessary, and to ensure that any system issues are resolved as quickly as possible. Id.

percent of the tickets opened in 2001 within a day. However, VZ-RI also explained that others are more complex and may require extensive analysis, such as Purchase Order Number (“PON”) Exception tickets (trouble tickets concerning a CLEC report that it has not received status notifiers it expected to see), each of which can have hundreds or thousands of PONs to research and resolve. The WCCC is available 24 hours a day, seven days a week to handle CLEC trouble reports.³⁰⁷

VZ-RI represented that the WCCC process used in Rhode Island for handling PON Exceptions was developed for EDI-transmitted PONs in New York and extended to the other former Bell Atlantic service areas.³⁰⁸

According to VZ-RI, from February through August 2001, CLECs submitted approximately 82,800 PONs in Rhode Island and only 38 PONs on PON Exception trouble tickets (0.05%). VZ-RI reported that all 38 of the PONs were cleared within three business days.³⁰⁹

VZ-RI noted that one of the primary tasks of the WCCC is to support the OSS Change Management organization by providing notification to the CLEC Change Management distribution list of interface or system slow response conditions, software fixes, and scheduled and unscheduled interface or system outages. In addition to the calls received from the CLECs notifying Verizon of interface issues, the WCCC also receives proactive notice from the system monitoring organization if the interfaces or back-end OSS experience an unplanned outage. The WCCC will initiate the notification process when this situation occurs. The C2C standard for this notification is within 20 minutes of the WCCC help desk being notified of an outage condition. VZ-RI asserted that a review

³⁰⁷ Id.

³⁰⁸ Id.

of its “Average Notification of Interface Outage” metric shows that notification is consistently provided in less than 20 minutes.³¹⁰

VZ-RI explained that the Verizon Help Desk support function has evolved over time since it was initiated in November 1998 and approved in New York. VZ-RI pointed out that as part of its evaluation of VZ-NE’s OSS in Massachusetts KPMG examined the WCCC’s procedures and performance. According to VZ-RI, KPMG found that it satisfied all test criteria. VZ-RI concluded that because the WCCC performs the same services for Massachusetts and Rhode Island CLECs, the Massachusetts results apply equally to Rhode Island.³¹¹

9. CLEC Comments – OSS Analysis

A. CTC

CTC alleged that contrary to VZ-RI’s assertions that it provides timely and accurate bills to CLECs, CTC has experienced chronic problems with the timeliness, accuracy and auditability of bills provided by VZ-RI. CTC stated that VZ-RI admitted that, “due to manual errors on the part of some Verizon service representatives at the Interexchange Carrier Service Center,” “certain” T1/T3 service orders submitted by CTC “were incorrectly coded for month-to-month billing instead of the longer term ordered by CTC.”³¹² CTC noted that VZ-RI asserted that “[i]n some cases, the orders were submitted incorrectly by CTC.”³¹³ CTC refuted that statement, however, indicating that its own investigation into the matter as of the date of the hearing had not uncovered any

³⁰⁹ *Id.* at 174.

³¹⁰ *Id.* at 174-75.

³¹¹ *Id.* at 175, *citing* KPMG RI Report, pp. 64-72.

³¹² Brief of CTC Communications Corp., p. 21. (citations omitted).

³¹³ *Id.* (citations omitted).

CTC ordering errors.³¹⁴ CTC further maintained that VZ-RI continues to erroneously bill CTC for these T1/T3 circuits months after CTC provided notice to VZ-RI of its error.³¹⁵ CTC claimed that VZ-RI's slow response to this billing problem demonstrates that its procedures and systems for responding to claims submitted by CLECs for credits for inaccurate billing are deficient and result in substantial delay throughout the former NYNEX territory. CTC further complained of back-billing by VZ-RI. CTC indicated that this alleged back-billing stemmed from the collocation dispute addressed in Checklist Item 1.³¹⁶

CTC alleged that Verizon's procedures and systems for responding to claims submitted by CLECs for credits for inaccurate billing by Verizon on its wholesale bills are also deficient. CTC indicated that in October, 2000 CTC attended a Verizon conference on Resale and UNE billing during which Verizon committed to a two (2) day response time for confirming receipt of a claim and a thirty (30) day response time for resolution of CLEC claims. Notwithstanding Verizon's commitment; however, it has been CTC's experience that Verizon often fails to confirm receipt of a claim and resolution of claims frequently takes over sixty (60) days and often takes several months.³¹⁷

B. WorldCom

WorldCom alleged that Verizon processes very few orders through its OSS in either Rhode Island or Massachusetts.³¹⁸ WorldCom noted that the FCC has emphasized that a BOC must show the readiness of its OSS to process UNE-P orders, as well as

³¹⁴ *Id.* (citations omitted).

³¹⁵ *Id.* (citations omitted).

³¹⁶ Brief of CTC Communications Corp., pp. 21-3.

³¹⁷ *Id.* at 23-25, citing CTC Declaration, at ¶ 24.

UNE-L [sic] orders and resale orders at commercial volumes.³¹⁹ WorldCom alleged that Verizon's commercial experience in Massachusetts and Rhode Island is insufficient to provide such proof. Therefore, WorldCom asserted that the RIPUC should not be satisfied with a third-party test as a substitute for real commercial experience.³²⁰

WorldCom also alleged that VZ-RI's OSS is not in compliance with Section 271 because VZ-RI did not pass the electronic jeopardy testing done by KPMG. For example, WorldCom noted that out of the 12 orders that required electronic jeopardy notices, only 6 were sent. As a result, WorldCom asserted that independent testing should continue until VZ-RI passes before VZ-RI is granted 271 approval.³²¹

10. RIDPUC Comments – OSS Analysis

The RIDPUC stated that it agrees VZ-RI is in compliance with Checklist Item 2 and the FCC's rules regarding VZ-RI's OSS. Therefore, the RIDPUC recommended approval of this checklist item.

Specifically, the RIDPUC stated that it "firmly believes that the OSS consultant, KPMG Consulting, Inc., conducted and supported a creditable and complete review of Verizon's OSS systems as measured by the standards enunciated by the FCC."³²² The RIDPUC further noted that KPMG found Rhode Island's OSS to be the same as those deemed compliant in Massachusetts by the FCC.³²³

³¹⁸ WorldCom offered statistics regarding the processing of UNE-P in other states without any indication of the context in which these numbers were being offered.

³¹⁹ Post-Hearing Comments of WorldCom, pp. 8-9, citing New York Order, ¶169.

³²⁰ Post-Hearing Comments of WorldCom, p. 9.

³²¹ Id. at 10-11.

³²² RIDPUC's Reply Brief, 11/9/01, p. 3.

³²³ Id. Again, the RIDPUC opined that CTC's issues are specific to CTC and taken in the totality of the circumstances, do not form a basis for denying 271 approval. Id. at 3-4.

11. VZ-RI's Rebuttal – OSS Analysis

A. CTC Billing Claims

According to VZ-RI, CTC's claims do not show a failure of VZ-RI to meet its OSS obligations under the Act. VZ-RI noted that CTC claims that it has been charged the month-to-month rate for T1 and T3 access circuits ordered from VZ-RI, despite the fact that these circuits were ordered under a 60 or 84 month term. First, VZ-RI asserted, it is important to note that the circuits to which CTC refers are "access circuits" ordered by CTC in its capacity as an "interexchange carrier" out of Verizon's FCC tariff for interexchange carrier use. The circuits are not resold services, interconnection trunks, or unbundled network elements. VZ-RI noted that CTC did not deny this fact. Thus VZ-RI concluded, it is dispositive here that the FCC has repeatedly held that the Section 271 checklist compliance is not intended to encompass the provision of access services.³²⁴

VZ-RI noted that CTC also alleged that CLEC claims take a minimum of 60 days to resolve and often take four to five months. VZ-RI claimed that CTC is simply wrong. VZ-RI reported that as of the beginning of November 2001, CTC has submitted 10 billing claims in Rhode Island for the year 2001. According to VZ-RI, two of these claims were closed on the same day they were opened, a third claim was closed in 9 days, another in 16 days and yet another in 31 days, the sixth and seventh claims were closed in 34 and 53 days, respectively, and the eighth claim has been open for more than four

³²⁴ Verizon's Post-Hearing Brief, p. 157 citing Massachusetts Order, ¶ 193. VZ-RI stated that the irrelevance of these claims notwithstanding, it looked into CTC's allegation. In fact, CTC did order certain T1 and T3 access circuits out of Verizon's FCC Tariff and, due to manual errors on the part of some Verizon service representatives at the Interexchange Carrier Service Center, certain service orders were incorrectly coded for month-to-month billing instead of the longer term commitment rates ordered by CTC. In some other cases, the orders were submitted incorrectly by CTC, which resulted in CTC being billed the rates in accordance with its order. VZ-RI has issued adjustments for accounts that were billed incorrectly due to a Verizon error. Further, Verizon made a system adjustment in October to eliminate the cause of representative error – a default value that assigns these access orders to month-to-month status if the

months due to the need to investigate and verify customer-specific information on hundreds of end-user lines. VZ-RI noted that this investigation has been completed and VZ-RI is in the process of issuing adjustments to CTC. VZ-RI indicated that the remaining two claims were closed on October 10, 2001. VZ-RI explained that although it endeavors to resolve billing claims within 30 days, the complexity of a particular claim and the need for extensive and cooperative investigation with the CLEC sometimes extends the resolution process. However, VZ-RI asserted that investigations of this nature do not preclude CLECs from a meaningful opportunity to compete.³²⁵

B. WorldCom

In response to WorldCom's allegations, VZ-RI stated that there is absolutely nothing in these test results to raise any concern that the RIPUC wrongly terminated KPMG's comprehensive testing. VZ-RI asserted that the FCC itself has repeatedly said that Verizon meets its 271 requirements by providing parity with retail jeopardy notices via the OQS reports discussed below, and that electronic jeopardies are not required by the Act.³²⁶

C. Implementation of RIPUC's April 2001 Rate Order

In response to concerns raised by the RIPUC at the October 12, 2001 hearing, VZ-RI acknowledged that it was delayed in implementing the Commission's UNE Rate Order, dated May 18, 2001 and effective April 11, 2001. VZ-RI noted that although this delay did not affect resale customers, it did cause some CLECs to be billed certain amounts for UNEs that were higher (7.11%) than the established Rhode Island rates.³²⁷

representative fails to populate a longer term agreement duration. Verizon's Post-Hearing Brief, p. 157, Tr. 10/12/01, at 59-60.

³²⁵ Verizon's Post-Hearing Brief, pp. 158-60.

³²⁶ *Id.* at 157, citing New York Order, ¶ 184; Massachusetts Order, ¶ 85.

³²⁷ Verizon's Post-Hearing Brief, pp. 155-56.

VZ-RI noted that although its billing systems generally require a 6-month software introduction cycle to implement rate changes, VZ-RI recognizes that the RIPUC expects faster implementation. As a result of this recognition, VZ-RI has focused on changing its internal processes to respond to the need for more rapid implementation of rate levels changes. Accordingly, VZ-RI indicated that it has committed to implement simple rate changes for unbundled elements and resold services within 60 days of an RIPUC order or decision, or a tariff approval, that defines the required change.³²⁸ This 60-day window will provide VZ-RI with reasonable time in which to develop and implement the requirements of the order, provided the changes are simple system and rate table changes. VZ-RI noted that if it is unable to implement the rate level change within the 60 days provided by the Commission, upon implementation of the rate change, VZ-RI will provide credit or charges back to the effective date. Further, if implementation is not accomplished by day 60, interest payments will be made by VZ-RI starting on day 61 through the date of implementation on all charges paid by the CLEC in excess of the newly effective rates.³²⁹ Finally, VZ-RI stated that credits and interest payments will be made in accordance with these commitments in the implementation of the April 11th rate decrease.³³⁰

³²⁸ VZ-RI has requested that the RIPUC's orders or decisions, in connection with rate level changes, be adopted with an effective date that is 60 days after the issuance of the Order or date of decision.

³²⁹ Even if the CLEC's account has gone to "final billing", VZ-RI will calculate and apply credits and interest payments in the same manner as outlined above. Response to Record Request No. 40.

³³⁰ Verizon's Post-Hearing Brief, p. 156. In response to Commission inquiry, VZ-RI has also stated that, effective December 1, 2001, it will notify CLECs about UNE and resale discount rate changes as well as the expected implementation dates via the Change Management process. The information provided will include the State involved, the date of the Commission Order or Tariff, a high level summary of the changes and the expected implementation date. See Response to Record Request No. 40.

12. RIPUC Findings – OSS Analysis

We find VZ-RI to be in compliance with the requirements of Checklist Item 2 as it relates to OSS. VZ-RI noted that the FCC found that Verizon's OSS in New York and Massachusetts provides non-discriminatory access to CLECs in preordering, ordering, provisioning, maintenance and repair, and billing. VZ-RI also pointed out that Verizon's OSS in New York and Massachusetts offers CLECs a meaningful opportunity to compete due to Verizon's Change Control Management process and the training and assistance Verizon provides to CLECs. KPMG conducted tests and evaluated VZ-RI's OSS to determine if it is the same as VZ-MA's OSS. We emphasize that KPMG found that Verizon's systems, interfaces and processes in Rhode Island and Massachusetts are essentially the same. KPMG found that in all but one area, the OSS of Massachusetts and Rhode Island are the same or that no material differences exist. The only area where a material difference existed was in Metrics Change Management Control, where KPMG found that VZ-RI's process was an improvement to the process in Massachusetts.

KPMG also conducted stand-alone testing on Line-Sharing, Line Loss Reports and Electronic Jeopardies. We note that VZ-RI received a satisfied result in Line Sharing and Line Loss Reports. In Electronic Jeopardies, the result was inconclusive because of the lack of orders that were in jeopardy. We emphasize that VZ-RI's on-time order provisioning exceeded 98 percent and that, out of 400 orders only 10 required jeopardy notices. Of these 10 orders, only 4 did not receive the appropriate notice and 3 of these 4 orders received some notice. We therefore concur with KPMG that the VZ-RI's OSS is the same or superior to VZ-MA's OSS.

As for metric performance, we find VZ-RI's preordering, ordering, maintenance and repair, and billing for UNE OSS from March through August 2001 was very good. At the outset, we note that VZ-RI was subject to more metrics in 2001 than VZ-MA was in 2000. However, from March to August 2001, VZ-RI met 86% to 97% of the Rhode Island UNE OSS PAP metrics which had activity and were not under development. In comparison, from March to July, 2000, VZ-MA met 86% to 100% of UNE OSS PAP metrics which had activity and were not under development or qualified for the small sample size exemption.³³¹ In other words, VZ-RI's performance from March through August 2001 was as good as VZ-MA's performance at the time of its § 271 application from March through July 2000.

As a whole, VZ-RI's performance in UNE OSS is very good and only in a few instances was VZ-RI's performance unsatisfactory or questionable for a majority of the six months under review from March through August 2001. In the area of ordering metrics, for OR-1-06 (% OT LSRC/ASRC-Facilities Check (Electronic) Specials), we acknowledge VZ-RI's explanation that an appropriate facility check may require more than 72 hours.³³² As for OR-5-03 (% Flow Through – Achieved – POTS Specials), the RIPUC notes that the metric was not being achieved at the time of either the New York and Massachusetts 271 applications. Also, we recognize that VZ-RI has taken various steps to improve the flow-through of CLEC orders as demonstrated by the satisfactory C2C Performance Results reported for August 2001.³³³ In addition, to encourage VZ-RI

³³¹ Compare Verizon RI 271 Filing - Checklist Declaration, Attachment 5, p. 13, to VZ-RI's Response to Record Request No. 2 (VZ-MA's PAP metrics).

³³² Tr. 10/10/01, pp. 60-62.

³³³ Tr. 10/11/01, p. 30.

to consistently meet the metric, we have significantly increased the potential dollars-at-risk if VZ-RI fails to meet the metric.³³⁴

In the area of billing performance, CTC raised some concerns. As of November 2001, VZ-RI noted that CTC has submitted 10 billing claims in Rhode Island for 2001, a majority of which were resolved within approximately 30 days. Furthermore, in response to the RIPUC's concerns regarding VZ-RI's delay in implementing new UNE rates ordered April 11, 2001, VZ-RI committed to implement rate changes for UNEs and resold services within 60 days of our written order or tariff approval.³³⁵ We accept VZ-RI's proposal because it will provide VZ-RI with reasonable time to implement new rates and avoid any confusion for CLECs.

In addition, we note that VZ-RI's performance in billing metrics is identical to VZ-MA's performance at the time of VZ-MA's 271 application, and that VZ-RI has met metric BI-1-02 (% Daily Usage Feed in 4 Business Days) every month from March through August 2001.³³⁶ Also, KPMG tested the completeness and accuracy of the DUF and found the results were the same as Massachusetts.³³⁷ We note that, according to VZ-RI, in BI-3-01 (% Billing Adjustments – Dollars Adjusted) had results which were negligible from January through April 2001, as well as for June and August 2001.³³⁸ We also point out that CTC was the only party to raise any billing issues in the course of Rhode Island's 271 proceedings and is not indicative of non-compliance with the checklist item.

³³⁴ RIPUC Order No. 16809 (issued December 3, 2001), p. 40.

³³⁵ Response to Record Request No. 40.

³³⁶ Verizon-RI 271 Filing – Measurements Declaration, Attachment 5, p. 5.

³³⁷ KPMG RI report, pp. 176-185.

³³⁸ Verizon-RI 271 Filing – OSS Checklist Declaration, ¶ 119 and VZ-RI's update thereto filed 10/12/01.

Based on the totality of the circumstances and the record in this proceeding, the RIPUC finds that VZ-RI has met its obligation to provide timely and accurate billing. To reduce the number of billing claims due to delays in implementing newly approved rates, VZ-RI has committed to implement new UNE and resale rates within 60 days of an RIPUC order. Also, the RIPUC has required the Rhode Island PAP to include two additional billing metrics currently in use in Pennsylvania that report on the timeliness of VZ-RI's acknowledgement and resolution of billing claims. In addition, these metrics have been assigned significant monetary remedies.³³⁹ We find that there is sufficient evidence included in KPMG's Report to conclude that VZ-RI' OSS is ready to process commercial volumes of CLEC orders. Accordingly, the RIPUC finds that VZ-RI is providing non-discriminatory access to its network elements as it relates to OSS in compliance with Checklist Item 2, and recommends that the FCC find that VZ-RI has complied with the requirements of this checklist item.

C. CHECKLIST ITEM 3 – POLES, DUCTS, CONDUITS AND RIGHT-OF-WAY

1. Applicable Law

Section 271(c)(2)(B)(iii) of the Act requires VZ-RI to offer “[n]ondiscriminatory access to the poles, ducts, conduits, and rights-of-way owned or controlled by [VZ-RI] at just and reasonable rates in accordance with the requirements of section 224.”³⁴⁰ The FCC has the authority to regulate rates, terms and conditions for access in Rhode Island because Rhode Island has not acted pursuant to Section 224(c) of the Act to exercise jurisdiction over access to poles, ducts, conduits and rights-of-way. Section 224 of the Act sets forth the conditions under which a utility may deny access to its poles, ducts,

³³⁹ RIPUC Order No. 16809, pp. 38-39 (issued December 3, 2001).